

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

IN RE:

ALAN DEATLEY LITIGATION

NO. CV-06-0278-JLQ

**ORDER DIRECTING EXCHANGE
OF EVIDENCE AND
SUPPLEMENTATION OF THE
RECORD RE: MOTION FOR
SUMMARY JUDGMENT**

BEFORE THE COURT is Plaintiff Holland and Knight's ("H&K") Motion for Summary Judgment on Defendant Alan DeAtley's ("DeAtley") Counterclaims on Grounds of Standing and Estoppel (Ct. Rec. 243). The court held telephonic hearing on April 4, 2008. Participating in the hearing were attorneys Louis Puccini, Shay Meagle, Kenneth Dugan, Les Powers and James Perkins for DeAtley. Robert Sulkin appeared for H & K. The following order is intended to memorialize and supplement the oral ruling of the court.

IT IS HEREBY ORDERED:

1. Defendant DeAtley's Motion to Strike H & K's Supplemental Reply Brief (**Ct. Rec. 387**) is **DENIED**. H & K's Motion for Summary Judgment (Ct. Rec. 243) is stayed pending the following supplementation of the record.

2. As soon as possible, but no later than **APRIL 18, 2008**, H & K shall provide to DeAtley, a full copy of the tape recording and transcript of Alan DeAtley's 2004 dictation provided to lawyers at Hale Friesen LLP.

3. If DeAtley disputes the accuracy of the transcript prepared from the tape, within seven (7) days of receipt thereof, DeAtley shall file a supplemental pleading setting forth the specific portions of the transcript which are allegedly inaccurate transcriptions and

1 DeAtley's suggested revisions. The court will determine the disagreements, if any, for
2 the purposes of ruling on the Motion For Summary Judgment. DeAtley may file a
3 response to the Supplemental Reply filed by H & K on or before April 25, 2008.

4 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and
5 furnish copies to counsel.

6 **DATED** this 7th day of April, 2008.

7 s/ Justin L. Quackenbush
8 JUSTIN L. QUACKENBUSH
9 SENIOR UNITED STATES DISTRICT JUDGE
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